

MINUTES
BOARD OF APPEALS
VILLAGE OF SEA CLIFF
VILLAGE HALL
300 SEA CLIFF AVENUE
SEA CLIFF, NEW YORK 11579
January 25, 2011

Present: Chair	Kevin McGilloway
Members	Maureen Angliss
	Dina Epstein
	Noel Griffin
	Ted Kopczynski

The meeting was called to order at 8:00 pm.

The Board opened the public hearing on the application of Maureen Raftery, 59 The Boulevard, Sea Cliff, New York to demolish an existing building and erect a new 2 story structure with garage underneath, which requires variances of the following sections of the Village Code (a) 138-504 to maintain a lot size of 2,539 square feet, where a minimum lot size of 10,000 square feet is required; (b) 138-505 to provide a lot coverage in excess of 50%, where a maximum of 30% is permitted; (c) 138-506 to maintain an existing front line width of 38 feet, where a minimum of 100 feet is required; (d) 138-507 to construct a dwelling on a lot that has less than the minimum lot width; (e) 138-508 to permit a front yard setback of 7.5 feet, where a minimum of 25 feet is required; (f) 138-509 to construct a dwelling without the minimum width of 100 feet at the setback; (g) 138-511 to permit side yard setbacks of 9 feet and 10 feet, where a minimum of 15 feet is required for each side yard setback; (h) 138-512 to erect a dwelling with less than the required rear yard setback of 30 feet; (i) 138-513 to permit a height of 33.75 feet, where a maximum of 30 feet is permitted; (j) 138-513.1 to permit a dwelling which encroaches into the height ratio setback by approximately 45% of the building; and (k) 138-514.1 to permit a floor area of 1,310 square feet, where a maximum of 1,117 square feet is permitted. Premises are located in a Residence B

zoning district, and are designated as Section 21, Block 197, Lot 237 on the Nassau County Land and Tax Map. The Board closed the hearing, and reserved decision.

The Board called the matter of the hearing on the Board's consideration of the revocation of the special permit of Mario Larrea d/b/a Gold Coast Collision, 161 Glen Cove Avenue, Sea Cliff. Mario Larrea was present, and approached the podium. The Board advised Mr. Larrea that his attorney had submitted a letter request seeking to again adjourn the scheduled hearing because the attorney was out of the state handling a private matter. The Board further reminded Mr. Larrea that the purpose of the hearing was to consider whether the purported violations identified by the building department and submitted to the Board occurred, and if so, whether the special permit would be revoked due to those violations. Mr. Larrea confirmed that he understood the purpose of the hearing and that his attorney had submitted a written adjournment request to the Board. The Board then agreed to grant the request of Mr. Larrea's attorney and adjourned the hearing to February 8, 2011 at 8:00 pm. The Board noted that it would not grant any further adjournments of the hearing.

The Board opened the continued public hearing on the application of Douglas and Karin Barnaby, 404 Littleworth Lane, Sea Cliff, New York to subdivide property into 3 new building lots, and retain an existing 2 family residence on one of those lots. The applicants appeal the determination of the Superintendent of Buildings with regard to the following determinations: (a) documentation supplied, and information submitted, are incomplete; (b) calculations utilized in plan are incorrect; (c) proposed streets, frontage and required setbacks are not in conformity with the Village Code; and (d) legal non-conforming two family residence has not been established. Applicants also seek, as alternative relief, variances to permit (a) frontage on private roads; (b) creation of a lot with insufficient street frontage; (c) encroachment into required setbacks; and (d) the continued use of the 2 family dwelling as a 2 family dwelling where no such use is

permitted. In addition and alternatively, applicants propose a front line width of 17.32 feet, where a minimum of 100 feet is required. Premises are designated as Section 21, Block L1, Lot 306 on the Nassau County Land and Tax Map and include portions of property now known, or previously known, as Preston and Bryant Avenues. The applicants were represented by Kathleen Deegan Dickson, Esq., and one of the neighbors was represented by John Wagner, Esq. The Board noted that it had referred the application to the Nassau County Planning Commission, and the Commission advised the Board to take such action as it deems appropriate. The Board agreed to various requests for additional time to submit documentation in response to information provided to the Board at the hearing, and within the last several days leading up to the hearing. The Board continued the public hearing to February 9, 2010 at 8:00pm, and advised the public that any written submissions should be submitted to the Board no later than February 1, 2011.

The Board discussed the environmental impacts of the Raftery application. After such discussion, on motion duly made by Mr. Griffin, seconded by Ms. Epstein, the Board determined that the action was a Type II matter under SEQRA, and required no further environmental review. After further discussion of the Raftery application, on motion duly made by Mr. Griffin, seconded by Ms. Epstein, and adopted unanimously, the Board granted the application in accordance with the decision annexed hereto.

There being no further business, the meeting was adjourned at 11:30 pm.

RAFTERY SHORT FORM DECISION

At a meeting of the Board of Appeals of the Village of Sea Cliff, New York, on January 25, 2011, on motion duly made by Mr. Griffin, seconded by Ms. Epstein, and adopted unanimously, the Board, having duly considered the matters brought forth at the public hearing and other matters properly within the consideration of this Board and discussed the subject application, rendered the following findings and determination:

1. Maureen Raftery, 59 The Boulevard, Sea Cliff, New York applied to demolish an existing building and erect a new 2 story structure with garage underneath, which requires variances of the following sections of the Village Code (a) 138-504 to maintain a lot size of 2,539 square feet, where a minimum lot size of 10,000 square feet is required; (b) 138-505 to provide a lot coverage in excess of 50%, where a maximum of 30% is permitted; (c) 138-506 to maintain an existing front line width of 38 feet, where a minimum of 100 feet is required; (d) 138-507 to construct a dwelling on a lot that has less than the minimum lot width; (e) 138-508 to permit a front yard setback of 7.5 feet, where a minimum of 25 feet is required; (f) 138-509 to construct a dwelling without the minimum width of 100 feet at the setback; (g) 138-511 to permit side yard setbacks of 9 feet and 10 feet, where a minimum of 15 feet is required for each side yard setback; (h) 138-512 to erect a dwelling with less than the required rear yard setback of 30 feet; (i) 138-513 to permit a height of 33.75 feet, where a maximum of 30 feet is permitted; (j) 138-513.1 to permit a dwelling which encroaches into the height ratio setback by approximately 45% of the building; and (k) 138-514.1 to permit a floor area of 1,310 square feet, where a maximum of 1,117 square feet is permitted. Premises are located in a Residence B zoning district, and are designated as Section 21, Block 197, Lot 237 on the Nassau County Land and Tax Map.
2. The applicant is the record owner of the subject premises.
3. The requested relief is classified as a Type II action under SEQRA, which requires no environmental review.
4. The Board provided notice of the application to the Nassau County Planning Commission in accordance with the requirements of the agreement between the Village and the Planning Commission, and no response was submitted by the Planning Commission.
5. The premises are located in the Residence B zoning district.

6. The relief requested in the application is granted provided that (a) the construction is in compliance with the plans and with the requirements of the building department; (b) within eighteen months after the filing of this decision with the Village Clerk, the applicant, or his successor in interest, shall obtain at applicant's sole cost and expense all certificates of occupancy, completion or compliance that may be required for such work.

